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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION**

Adelaido Gomez on behalf of V.D.G.

Plaintiff,

v.

Leland Dudek<sup>1</sup>, ACTING COMMISSIONER  
OF SOCIAL SECURITY,

Defendant.

Case No. 1:24-cv-00678-EPG

**STIPULATION FOR THE AWARD AND  
PAYMENT OF ATTORNEY FEES AND  
EXPENSES PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT; ORDER**

(ECF No. 23)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of SEVEN THOUSAND DOLLARS AND 00/100 (\$7,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of ZERO dollars (\$0.00) under 28 U.S.C. §1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

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<sup>1</sup> Leland Dudek became the Acting Commissioner of Social Security on February 16, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Leland Dudek should be substituted for Michelle King as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Plaintiff was the prevailing party in this matter and Plaintiff is an individual whose net worth  
2 does not exceed \$2,000,000 at the time the civil action was filed.

3 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the  
4 matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Under *Astrue v. Ratliff*, 130 S.  
5 Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the Plaintiff and are subject to  
6 offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should  
7 therefore be awarded to Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA  
8 fee order, the Commissioner (1) determines that Plaintiff has assigned his right to EAJA fees to his  
9 attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset under the Treasury  
10 Offset Program, and (3) agrees to waive the requirements of the Anti-Assignment Act, then the EAJA  
11 fees will be made payable to Plaintiff's attorney, JONATHAN O. PEÑA-MANCINAS at the firm,  
12 PEÑA & BROMBERG, PC. However, if there is a debt owed under the Treasury Offset Program, the  
13 Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining  
14 EAJA fees after offset will be paid by a check or electronic fund transfer (EFT) made out to Plaintiff,  
15 but delivered to Plaintiff's attorney, JONATHAN O. PEÑA-MANCINAS at the firm, PEÑA &  
16 BROMBERG, PC.

17 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney  
18 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or  
19 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and  
20 all claims that Plaintiff and/or Counsel including Counsel's firm may have relating to EAJA attorney  
21 fees in connection with this action.

22 The parties further agree that the EAJA award is without prejudice to the right of Plaintiff's  
23 attorney to seek attorney fees pursuant to Social Security Act § 206(b), 42 U.S.C. § 406(b), subject to  
24 the offset provisions of the EAJA. *See* 28 U.S.C. § 2412(c)(1) (2006).

25 Respectfully submitted,

26 Dated: April 16, 2025

27 /s/ Jonathan O. Peña  
JONATHAN O. PEÑA  
Attorney for Plaintiff

1 Dated: April 16, 2025

MICHELE BECKWITH

Acting United States Attorney

MATHEW W. PILE

Associate General Counsel

Office of Program Litigation

Social Security Administration

5 By: \* Oscar Gonzalez de Llano

Oscar Gonzalez de Llano

Special Assistant U.S. Attorney

Attorneys for Defendant

7 (\*Permission to use electronic signature  
8 obtained via email on April 16, 2025).

**ORDER**

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation"),

**IT IS ORDERED** that fees and expenses in the amount of SEVEN THOUSAND DOLLARS AND 00/100 (\$7,000.00) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) and costs in the amount of ZERO dollars (\$0.00) under 28 U.S.C. §1920, be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: April 16, 2025

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE